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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,199	06/17/2005	Kees Gerard Willem Goossens	NL021296 US1	2390
24737 7590 06/08/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
NGUYEN, MINH TRANG T				
ART UNIT		PAPER NUMBER		
2419				
MAIL DATE		DELIVERY MODE		
06/08/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,199

Applicant(s)

GOOSSENS ET AL.

Examiner

Minh-Trang Nguyen

Art Unit

2419

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7-11,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11,14,15 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5 and 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicants' arguments filed 2/25/09 have been fully considered but they are not persuasive.

Applicants argue that Spiegel and Kramer do not disclose "the information stored in the intermediate node comprises an identifier of the packet and only one of an input port through which the packet was received by the intermediate node and an output port through which the packet is returned to the source node by the intermediate node to be used for returning the packet" as recited in claim 1, and as similarly recited in claim 4.

In reply, reference is made to column 10, lines 59-65 and column 11, lines 31-67 in Spiegel. Spiegel teaches that Forwarding Table 20 of each intermediate nodes B, D sets and stores information of VCI(i), OP/ID and VCI(o) for receiving a return packet and a NACK packet. The VCI(i) corresponds to an identifier of the packet and OP/ID corresponds to information that encodes an output port of the intermediate node. For example, node D receives, through input port IP/ID=1, a packet from output port ID=3 of node B (see col. 11, lines 2-7). The packet is cranked back from output port ID=1 of node D to input port IP/ID=3 of node B (see col. 11, lines 32-39). Thus, only input port IP/ID=1 or output port ID=1 of node D is used for returning the packet.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claims 1, 2, 4, 5, 7-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. to Spiegel et al (US 5,649,108) in view of Kramer et al (US 5,191,650).

Regarding claim 1, Spiegel et al disclose a method for determining the return path of a packet in a network, the network comprising a plurality of nodes and a plurality of links between the nodes, the method comprising the acts of sending a packet from a source node to a destination node, via at least an intermediate node (see Figs. 1, 7A-7D, e.g., **node A is a source node; nodes B, C, D, E, F are intermediate nodes. Node G is a destination node**), when the packet visits the intermediate node, storing information in the intermediate node for deriving a return path (see col.10, lines 59-65; col. 11, lines 31-67; e.g., **Forwarding Table 20 of each intermediate nodes B, D sets and stores information of VCI(i), OP/ID and VCI(o) for receiving a return packet and a NACK packet**), and when the packet is being returned to the source node using the stored information for deriving the return path, wherein the information stored in the intermediate node comprises an identifier of the packet and only one of an input port through which the packet was received by the intermediate node and an output port through

which the packet is returned to the source node by the intermediate node to be used for returning the packet (see col. 10, lines 59-65; col. 11, lines 2-7, col. 11, lines 31-67; e.g., Forwarding Table 20 of each intermediate nodes B, D sets and stores information of VCI(i), OP/ID and VCI(o) for receiving a return packet and a NACK packet, and VCI(i) corresponds to an identifier of the packet and OP/ID corresponds to information that encodes an output port of the intermediate node. Node D receives, through input port IP/ID=1, a packet from output port ID=3 of node B (see col. 11, lines 2-7). The packet is cranked back from output port ID=1 of node D to input port IP/ID=3 of node B (see col. 11, lines 32-39). Thus, only input port IP/ID=1 or output port ID=1 of node D is used for returning the packet).

Spiegel et al do not teach “wherein no information for deriving the return path is stored in the packet when the packet visits the intermediate node”.

Kramer et al teach the above recited limitations (see col. 4, line 58 – col. 5, line 5, e.g., information in the control blocks are stored at the intermediate nodes for deriving the return path, wherein no information for deriving the return path is stored in the visited packet).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to incorporate the teaching of Kramer et al in Spiegel et al by using the information in the control blocks for deriving the return path as taught by Kramer et al. The suggestion/motivation would have been to reduce the packet size by reducing return path information stored in the packet.

Regarding claim 2, Spiegel et al disclose an act of storing information for deriving the return path in each node visited by the packet for deriving the return path, when sending the

packet from the source node to a destination node. (see col.10, lines 59-65; col. 11, lines 31-67; e.g., Forwarding Table 20 of each intermediate nodes B, D sets and stores information of VCI(i), OP/ID and VCI(o) for receiving a return packet and a NACK packet).

Regarding claim 4, see similar rejection to claim 1. Furthermore, the network node shown in Fig. 2 includes an integrated circuit (see col. 5, lines 42-62).

Regarding claim 5, see similar rejection to claim 2.

Regarding claim 7, Spiegel et al disclose that the network is a packet-switched network (see Fig. 1, col. 5, lines 37-42).

Regarding claim 8, Spiegel et al disclose that the packet is sent from the source node to the destination node using destination routing (see Fig. 2, Figs. 7A-7D, col. 5, lines 43-62).

Regarding claim 9, see similar rejection to claim 7.

Regarding claim 10, see similar rejection to claim 8.

Allowable Subject Matter

5. Claims 11, 14, 15 are allowed.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Trang Nguyen whose telephone number is (571)270-5248. The examiner can normally be reached on Monday to Friday 7:30AM to 5:00PM EST, first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chirag G. Shah can be reached on 571-272-3144. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. N./
Examiner, Art Unit 2419
/Chirag G Shah/

Supervisory Patent Examiner, Art Unit 2419